

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**October 6, 2004**

**IN RE:**

**PETITION FOR APPROVAL OF AMENDMENT TO  
THE INTERCONNECTION AGREEMENT BETWEEN  
BELLSOUTH TELECOMMUNICATIONS, INC. AND  
NAVIGATOR TELECOMMUNICATIONS, LLC**

**DOCKET NO.  
04-00220**

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**ORDER APPROVING THIRD AMENDMENT  
TO INTERCONNECTION AGREEMENT**

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This matter came before Chairman Pat Miller, Director Deborah Taylor Tate and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on September 13, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the third amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Navigator Telecommunications, LLC.

The original interconnection agreement between these parties was filed on September 4, 2002, and was assigned Docket No. 02-00954. It was approved at a regularly scheduled Authority Conference on October 7, 2002. The first amendment was filed on May 14, 2003, under Docket No. 03-00336 and was approved at a regularly scheduled Authority Conference on July 7, 2003. The second set of amendments was filed on June 20, 2003, under Docket No. 03-00396 and was approved at a regularly scheduled Authority Conference on August 4, 2003. The third amendment, which is the subject of this docket, was filed on July 22, 2004.

Based upon a review of the third amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within BellSouth Telecommunications, Inc.'s service area.

3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier not a party to the agreement" or if the implementation of the agreement "is not consistent with the public interest, convenience or necessity." Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

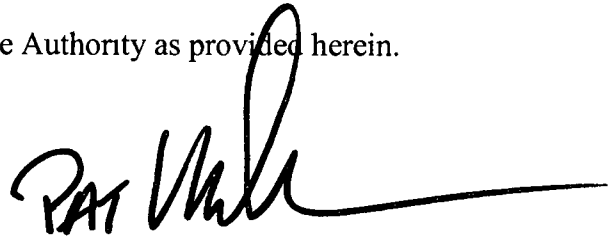
6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

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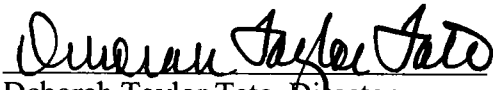
<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B)

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the third amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Navigator Telecommunications, LLC is approved and is subject to the review of the Authority as provided herein.

A handwritten signature in black ink, appearing to read "Pat Miller", with a long horizontal flourish extending to the right.

Pat Miller, Chairman

A handwritten signature in black ink, appearing to read "Deborah Taylor Tate", with a long horizontal flourish extending to the right.

Deborah Taylor Tate, Director

A handwritten signature in black ink, appearing to read "Sara Kyle", with a long horizontal flourish extending to the right.

Sara Kyle, Director